

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

_____)	
THOMAS P. KOOLEN,)	
Plaintiff,)	
)	
v.)	C.A. No. 10-50 S
)	
BELTWAY CAPITAL MANAGEMENT, LLC,)	
AMERICAN BROKERS CONDUIT,)	
MORTGAGE ELECTRONIC REGISTRATION)	
SYSTEMS, INC., AMERICAN HOME)	
MORTGAGE SERVICING, INC.,)	
BSI FINANCIAL SERVICES, INC.,)	
ACQURA LOAN SERVICES,)	
ABLITT SCOFIELD, PC,)	
Defendants.)	
_____)	

ORDER

WILLIAM E. SMITH, United States District Judge.

This matter is before the Court on Plaintiff Thomas P. Koolen's objection to the Report and Recommendation ("R&R") Magistrate Judge Lincoln Almond filed on January 13, 2011 in the above-captioned matter.

In passing on objections to an R&R, the Court reviews de novo the parts of the R&R to which there have been objections and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see Fed. R. Civ. P. 72(b)(3).

Plaintiff objects to the Magistrate Judge's authority to consider the motions and to issue the R&R and to specific legal

and factual findings contained in the R&R. Plaintiff's objections to the Magistrate Judge's authority are specious and require little discussion. Magistrate Judge Almond has been designated to hear matters and issue R&Rs under 28 U.S.C. 636(b)(1). Consent of the parties was not necessary here, because Magistrate Judge Almond heard the motions and issued the R&R pursuant to his designation by the Court under 28 U.S.C. § 636(b)(1), which allows the Court to designate him to hear pending pretrial matters. Contrary to Plaintiff's suggestion, Magistrate Judge Almond was not acting pursuant to 28 U.S.C. § 636(c). There can be no question that Magistrate Judge Almond was acting within his authority under the Court's designation.

Insofar as Plaintiff objects to the Magistrate Judge's legal and factual findings, the Court also finds no merit to those objections. The Court has reviewed de novo the legal and factual findings contained in the R&R and accepts them in full.

Defendant American Home Mortgage Servicing, Inc.'s motion to dismiss and Defendants Mortgage Electronic Registration Systems, Inc., Beltway Capital Management LLC, and BSI Financial Services Inc.'s motion for summary judgment are GRANTED. The Court also, pursuant to Fed. R. Civ. P. 4(m), dismisses without prejudice Plaintiff's claims against Defendants American Brokers Conduit and Acqura Loan Services.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
U.S. District Judge
Date: February 7, 2011